

**E2SSB 5735** - H AMD TO H AMD (H-3143.4/09) **657**

By Representative Short

FAILED 4/14/2009

1 On page 2, line 12 of the striking amendment, after "emissions."  
2 insert "The state's participation in the western climate initiative  
3 does not commit the state to implementing a regional cap and trade  
4 program."

5  
6 On page 2, line 17 of the striking amendment, after "department"  
7 insert ", in cooperation and consultation with industry,"

8  
9 On page 2, line 22 of the striking amendment, after "(b)" strike  
10 "The" and insert "Its best estimate of the"

11  
12 On page 2, line 24 of the striking amendment, after "levels."  
13 strike all of subsections 3 through 5 and insert the following:

14 "(3) By January 31, 2011, the department shall develop the  
15 estimated 2012 emissions levels and the 2020 reduction trajectories in  
16 consultation with business and other interested stakeholders based  
17 upon the greenhouse gas emissions reports for calendar year 2009  
18 submitted to the department by owners and operators consistent with  
19 RCW 70.94.151 and the department's regulations for reporting emissions  
20 of greenhouse gases. The reduction trajectories must reflect the  
21 department's best estimate of each covered entity's proportionate  
22 share of the 2020 reductions and must consider each covered entity's  
23 use of industry best practices since 1990 and of fuels that are either  
24 carbon neutral or that do not emit greenhouse gases or avoid  
25 greenhouse gas emissions, such as installation of more energy  
26 efficient machinery, and investments in energy efficiency measures.  
27 The emission levels and trajectories must be calculated in order to

1 reflect and provide credit for documented emissions reductions already  
2 achieved, and as appropriate, on a "per unit of production" basis.  
3 Consideration shall be given to industries whose processes are  
4 inherently energy intensive and industries that cannot reduce their  
5 emissions based on commercially available technology.

6 (4) The department shall provide each covered entity with its  
7 estimate of the covered entity's 2012 emissions levels and the 2020  
8 reduction trajectory as soon as they are available, but no later than  
9 November 15, 2010. Each person or groups of persons representing each  
10 sector of Washington's economy that would be affected by this section  
11 may: (a) submit comments responding to the department's estimates; and  
12 (b) recommend strategies or actions, including recognition of early  
13 action to the department that they believe would achieve the needed  
14 emissions reductions. The department shall consult with other state  
15 agencies with regulatory authority over a sector of Washington's  
16 economy regarding strategies or actions to achieve emission reductions  
17 in the affected sector. The comments and recommendations must be  
18 provided to the department by December 15, 2010.

19 (5) The department shall provide a report to the legislature by  
20 January 31, 2011 that includes the estimated 2012 emissions levels,  
21 the 2020 reduction trajectories, and the strategies and actions,  
22 including complementary and national policies that collectively will  
23 achieve the state's 2020 emissions reduction in RCW 70.235.020. The  
24 report must also include a description of: (a) the department's  
25 existing authorities to regulate greenhouse gas emissions; and (b)  
26 additional authority that is needed to implement the identified  
27 strategies or actions."

28  
29 On page 3, line 17 of the striking amendment, after "residuals"  
30 strike "may" and insert "shall"  
31

**EFFECT:** Clarifies that the state's participation in the western  
climate initiative does not commit the state to implanting a  
regional cap and trade program, requires the department of ecology

to consult and cooperate with industry in the development emissions estimates, clarifies that the department of ecology's determination of emissions trajectories will be a best estimate, requires emissions estimates and reduction trajectories to be completed by January 31, 2011 and be based on the greenhouse gas emissions reports for 2009, clarifies that reduction trajectories reflect covered entities and not persons, limits the history of covered entities' past use of best practices to those uses since 1990, requires the department of ecology to consider historic avoidance of emissions, requires the emissions trajectories to provide credit for documented emissions reductions already achieved on a per unit of production basis, requires consideration for inherently energy intensive industries and industries that cannot reduce emissions based on available technologies, requires estimates on an entity's estimated levels and trajectory to be provided by November 15, 2010, allows affected economic sectors to submit comments to the department of ecology regarding emissions estimates and trajectories, requires the department of ecology to consult with other regulatory state agencies regarding emissions estimates and trajectories, lengthens the comment period from June 15th to December 15th, 2009, and extends the report date to the Legislature thirteen months, requires the legislative report to include a description of the existing authorities.

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